

TENTH MEETING OF THE SRM TWG

(14 - 18 SEPTEMBER 2026)

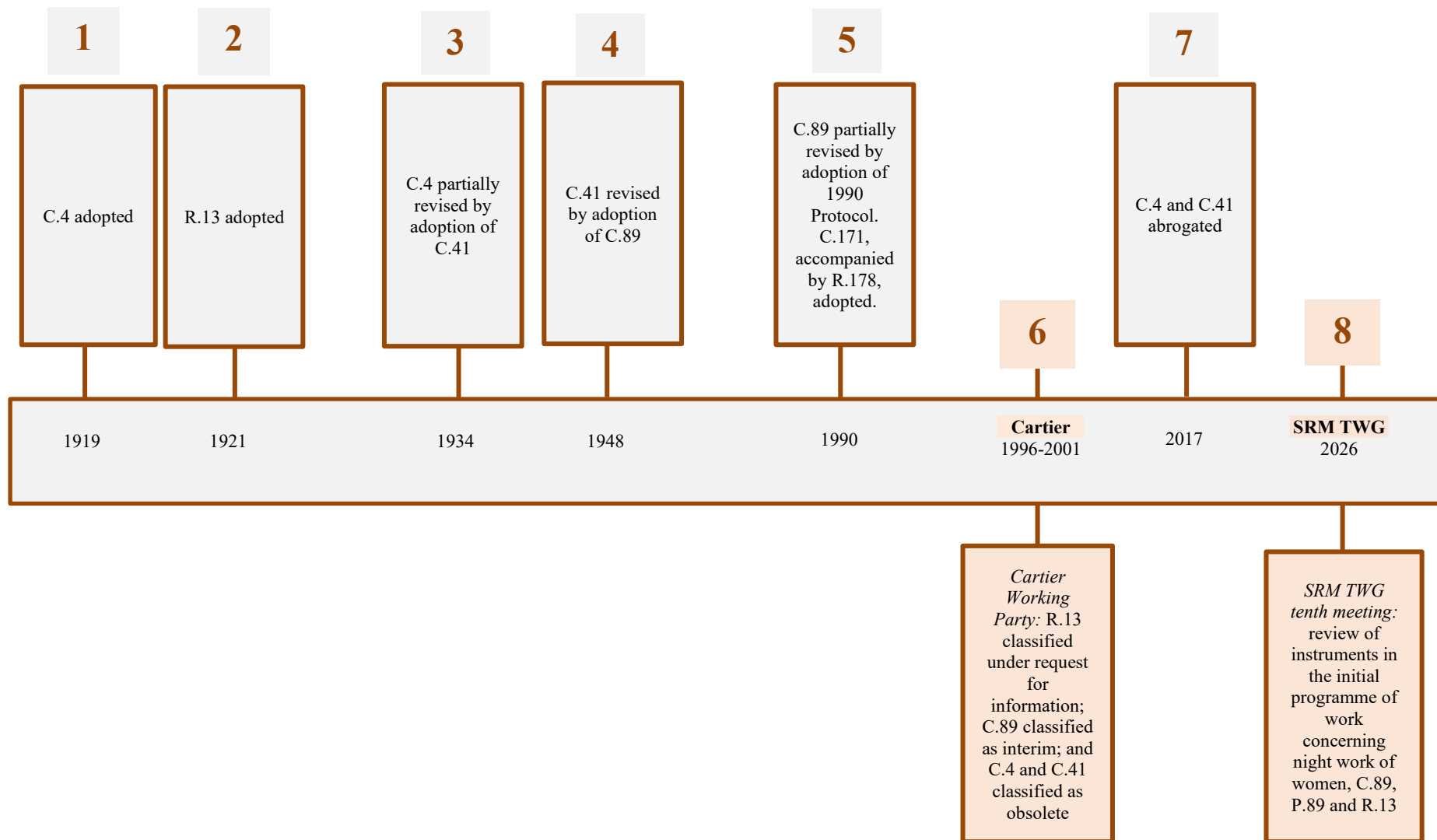
EXAMINATION OF INSTRUMENTS CONCERNING WORKING TIME

Technical Note 1.4: Night Work (Women)

- Three instruments in the initial programme of work concern night work of women: the Night Work (Women) Convention (Revised), 1948 (No. 89); the Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948 (No. 89); and the Night Work of Women (Agriculture) Recommendation, 1921 (No. 13).
- *Current status of instruments:* Two of these instruments were reviewed by the Cartier Working Party, following which Convention No. 89 was classified as an 'instrument with interim status' and Recommendation No. 13 classified under 'request for information'. The Protocol of 1990 to Convention No. 89 is considered up-to-date.
- *Action to be considered:* Classification of Convention No. 89 and its Protocol, and Recommendation No. 13; identification of any gaps in coverage; and associated follow-up action.

14 August 2026

ILO regulation of night work of women Chronology of developments



ILO regulatory approach to night work of women

At its inception,¹ the ILO adopted standards on night work aimed at protecting women in industry, as industrial work was considered detrimental to women's health and night work of women was considered immoral and disruptive of family values.² The Night Work (Women) Convention, 1919 (No. 4) prohibited employment of women during the night in any public or private industrial undertaking. The **Night Work of Women (Agriculture) Recommendation, 1921 (No. 13)** extended the prohibition to women employed in agriculture.

In 1932, the Permanent Court of International Justice confirmed that the prohibition in Convention No. 4 included women holding supervision or management positions, not ordinarily engaged in manual work.³ The Night Work (Women) Convention (Revised), 1934 (No. 41) partially revised Convention No. 4 and exempted women in managerial positions from the prohibition.⁴ By the 1940s, there was general agreement on the need for greater flexibility in the application of the prohibition.⁵ The **Night Work (Women) Convention (Revised), 1948 (No. 89)**, which revised Convention No. 41, was subsequently adopted.

Since the 1970s, questions were raised regarding the appropriateness of maintaining special protective measures for women in light of the principle of equal treatment and non-discrimination between men and women in employment.⁶ The regulatory approach evolved from a blanket prohibition on women's night work to the provision of protections for all workers engaged in night work, with specific protections for reproductive health.⁷ However, those who believed that the special protection for women from night work was still justified continued to advocate for the maintenance of restrictions.⁸ The ILO subsequently adopted a dual approach to assuring protection for night work.⁹ The **Night Work Convention, 1990 (No. 171)** and the **Night Work Recommendation, 1990 (No. 178)** were adopted, which provide protection for all night workers, and include specific measures to protect workers' health, assist them to meet their family and social responsibilities, provide opportunities for occupational

¹ Prohibition of industrial work for women at night was first established in the Bern Convention of 1906. ILO: General Survey, [Night work of women in industry](#), Report III (Part 1B), ILC, 89th Session, 2001, paras 35-39.

² ILO: [2001 General Survey](#), para. 36.

³ In its advisory opinion, the Court found that: based on the terms of the Convention, the prohibition "necessarily applies" to women holding supervision or management positions, not ordinarily engaged in manual work; if intended, a specific clause excluding such categories would have been inserted; the Convention could not be interpreted as restricted to manual workers; and provisions of general application should not be reinterpreted because of conditions not considered during standard-setting. ILO: [2001 General Survey](#), paras 46-48.

⁴ ILO: [2001 General Survey](#), paras 49-50.

⁵ ILO: [2001 General Survey](#), para. 54.

⁶ ILO: General Survey: [Ensuring decent working time for the future](#), Report III (Part B), ILC, 107th Session, 2018, para. 404. For instance, the Underground Work (Women) Convention, 1935 (No. 45) prohibiting women to work in mines was considered contrary to the fundamental principle of equality and non-discrimination at work. At its fourth meeting, the SRM TWG classified it as outdated, leading to its abrogation at the [112th ILC Session \(2024\)](#). See: [GB.334/LILS/3](#); [GB.334/LILS/PV](#) paras 39-58.

⁷ The 1979 UN Convention on the Elimination of All Forms of Discrimination against Women ([CEDAW](#)), reaffirmed by the 1985 ILO [Resolution](#) on equal opportunities and equal treatment for men and women in employment, required Member States to periodically review gender-specific protective legislation to eliminate discrimination against women in employment, in light of scientific and technological knowledge. See also: ILO: [2001 General Survey](#), paras 195-196; Convention No. 111; the [Declaration on Equality of Opportunity and Treatment for Women Workers](#), ILC, 60th Session, 1975, Art. 9(2).

⁸ ILO: [2018 General Survey](#), para. 404.

⁹ ILO: [2018 General Survey](#), para. 405; [2001 General Survey](#), para. 32.

advancement, ensure appropriate compensation and provide adequate social services.¹⁰ The **Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948 (No. 89)** was adopted to ease prohibitions where restrictions applied solely to women were still considered valid.¹¹ It allows greater flexibility in the application of the Convention, particularly through the possibility of introducing exceptions from the prohibition of night work and variations in the duration of the night period.¹²

ILO developments since adoption of the instruments

1. 1919: ILC adopted Convention No. 4

Convention No. 4 prohibited, with limited exceptions, women from employment during the night in any public or private industrial undertaking other than those employing only family members. It was abrogated in 2017.

See: [Convention No. 4](#) and [Instrument of Abrogation](#) (ILC 106th Session, 2017)

2. 1921: ILC adopted Recommendation No. 13

Recommendation No. 13 is an autonomous instrument. It is the only instrument on night work in agriculture and it is aimed exclusively at women. It provides for a period of rest of not less than nine hours, where possible consecutive, for women employed in agricultural undertakings during the night.

See: [Recommendation No. 13](#)

3. 1934: Convention No. 41 adopted, partially revising Convention No. 4

Convention No. 41 partially revised Convention No. 4 but did not close it to further ratifications. Convention No. 41 excluded from the scope of the prohibition women holding responsible positions of management, who are not ordinarily engaged in manual work, and allowed for limited flexibility in the application of prescribed time limits. In 2001, the Committee of Experts noted that Convention No. 41 was poorly ratified and losing relevance, and States Parties should consider ratifying the revised Convention No. 89 and its Protocol.¹³ Convention No. 41 was abrogated in 2017.

See: [Convention No. 41](#) and [Instrument of Abrogation](#) (ILC 106th Session, 2017)

4. 1948: Convention No. 89 adopted, revising Convention No. 41

Convention No. 89 widens the scope of exclusions from the night work prohibition to include women employed in health and welfare services not ordinarily engaged in manual work. It

¹⁰ See Technical Note 1.3 on Night work.

¹¹ ILO: [2001 General Survey](#), para. 32.

¹² ILO: [2018 General Survey](#), para. 417.

¹³ ILO: [2001 General Survey](#), para. 194.

revises the definition of “night”, allowing increased flexibility in the interval of prohibited employment and facilitating the development of double day-shift systems. It allows suspensions during serious emergencies and requires tripartite consultations before adoption of exceptions.

See: [Convention No. 89](#)

5. 1990: Protocol of 1990 adopted, partially revising Convention No. 89; and Convention No. 171 and Recommendation No. 178 adopted

The Protocol of 1990 partially revises Convention No. 89 by extending the exemptions from the prohibition on night work and allowing variations in the prescribed duration of the night period, which may be adopted in national laws or regulations following tripartite consultation. It continues the regulatory approach of providing special protections for women workers.¹⁴ While the Protocol maintains the focus on the protection of women from arduous working conditions, it opens the possibility for women to work at night under certain well-specified conditions.¹⁵

Convention No. 171 and accompanying Recommendation No. 178 on night work are the most recent and comprehensive standards of general application, establishing a minimum and coherent package of measures and guidelines aimed at mitigating the impact of night work for all workers, without distinction between men and women.¹⁶ Unlike previous instruments on night work, the Convention requires health protection for night workers, with specific protections for reproductive health; considers the specific needs of workers with family and social responsibilities; and mentions the need for opportunities for occupational advancement and appropriate compensation. These instruments expressly exclude application to certain sectors, including the agricultural sector.

See: [Protocol No. 89](#), [Convention No. 171](#) and [Recommendation No. 178](#)

6. 1996 – 2001: Governing Body classified Convention No. 89 under ‘interim status’ and Recommendation No. 13 under ‘request for information’

In 1996, in follow up to the Cartier Working Party’s recommendations, the Governing Body invited States Parties to Convention No. 89 to contemplate ratifying its Protocol or, where appropriate, Convention No. 171; and to inform the Office of obstacles to ratification of the up-to-date instruments, following which the status of Convention No. 89 and its Protocol would be re-examined.

¹⁴ ILO: [2001 General Survey](#), paras 179 and 184.

¹⁵ ILO: [2018 General Survey](#), para. 417.

¹⁶ Convention No. 171 and Recommendation No. 178 are on the agenda of the Tenth Meeting of the SRM TWG. See Technical Note 1.3.

In 2000, it requested information on the possible need to replace Recommendation No. 13. The Office documents for the Cartier Working Party noted that it has been considered to be of ‘limited value’.¹⁷

In 2001, the Governing Body recognised that Convention No. 89 retained an interim value. It invited States Parties to contemplate ratifying Convention No. 171, or if not possible, the up-to-date Protocol to Convention No. 89.

See: [GB.267/LILS/WP/PRS/2](#), para. V.5 (Office background paper for Working Party, November 1996); [GB.267/LILS/4/2\(Rev.\)](#), para. 49 (discussion by Working Party, November 1996); [GB.267/9/2](#), para. 14 (discussion by LILS Committee, November 1996); [GB.279/LILS/WP/PRS/4](#), para. VI.2 (Office background paper for Working Party, November 2000); [GB.279/LILS/3\(Rev.1\)](#), para. 73 (discussion by Working Party, November 2000); [GB.279/11/2](#), para. 13 (discussion by LILS Committee, November 2000); [GB.282/LILS/WP/PRS/2](#), paras 7-16 (Office background paper for Working Party, November 2001); [GB.282/LILS/6](#), paras 16-33 (discussion by Working Party, November 2001); [GB.282/8/2](#), para. 58 (discussion by LILS Committee, November 2001)

Analysis of Convention No. 89 and its Protocol and Recommendation No. 13

The following table provides a provision-by-provision analysis of the substantive provisions of Convention No. 89 and its Protocol, and Recommendation No. 13, compared with relevant international labour standards, including up-to-date Convention No. 171 and Recommendation No. 178, which are not devised as gender-specific instruments and instead focus on the protection of all those working at night.

ANALYSIS OF SUBSTANTIVE PROVISIONS OF CONVENTION NO. 89	
PART I. GENERAL PROVISIONS	
Art. 1	• <i>Objective</i>: Defines and establishes the scope of application to ‘industrial undertakings’. • <i>Comparison with relevant instruments</i>: In Art. 2(1) of C.171 & Para. 2 of R.178, the scope of application covers all sectors except agriculture, stock raising, fishing, maritime transport and inland navigation. • <i>Current relevance</i>: C.171 and R.178, which are considered the most recent and comprehensive instruments on night work, apply to all employed persons subject to a few exceptions, unlike C.89, which is restricted to women workers in industrial undertakings.
Art. 2	• <i>Objective</i>: Defines “night” as a period of at least 11 consecutive hours, including an interval prescribed by the competent authority of at least 7 consecutive hours falling between ten o'clock in the evening and seven o'clock in the morning.

¹⁷ [GB.194/PFA/12/5](#), ILC, 194th Session, 1974, p. 67.

	• <i>Comparison with relevant instruments:</i> Art. 1 of C.171 and Para. 1 of R.178 define “night work” as work performed during a period not less than 7 consecutive hours, including the interval from midnight to 5 a.m., and “night worker” as an employed person who performs a substantial number of hours of night work exceeding a specified limit. The minimum length of the night period set out in C.171 and R.178 is shorter than the period of night in C.89. • <i>Current relevance:</i> Contrary to the traditional definition of night work in C.89, which is linked to a minimum period of specific night hours, the most recent and comprehensive instruments on night work, C.171 and R.178, focus on night workers who perform a substantial number of hours of night work exceeding a specified limit.¹⁸ In the recent instruments, the determination of the interval between midnight to 5 a.m. is centred on the hours that are critical for the disturbance of physiological and other circadian rhythms.¹⁹
Art. 3	• <i>Objective:</i> Prohibits the employment of women without distinction of age during the night in any public or private industrial undertaking, or in any branch, other than an undertaking where only family members are employed. • <i>Comparison with relevant instruments containing provisions concerning protections for night work:</i> ○ No other instrument prohibits the employment of women.²⁰ P.89 extends exemptions from the prohibition in C.89 and provides special protection for women night workers in relation to maternity. ○ C.171 and R.178 regulate night work for all employed persons, without distinction between men and women, across all sectors and occupations (subject to certain exceptions), and address the requirement for a wide-range of protective measures for all night workers. ○ Para. 9 of R.206²¹ requires the adoption of appropriate measures for sectors or occupations and work arrangements where exposure to violence and harassment may be more likely, including in night work. Regarding the exception in Art. 3 of C.89 concerning family undertakings, Art. 10(f) of C.190²² and Para. 18 of R.206 require measures to be taken to mitigate the impact of domestic violence in the world of work, which includes night work. • <i>Current relevance:</i> The CEACR emphasizes that protective measures applicable to women’s employment at night which go beyond maternity protection are based on stereotyped perceptions regarding women’s professional abilities and role in society and violate the principle of equality of opportunity and treatment between men and women.²³ This regulatory approach contrasts with C.171 and R.178 that aim to provide protections for all workers engaged in night work, with specific protections for reproductive health; consideration of the needs of workers with family and social responsibilities; opportunities for occupational advancement; appropriate compensation; and the provision of adequate social services, including transportation and improved safety when travelling at night, rest facilities and childcare. Many countries continue to prohibit night work of women.²⁴

¹⁸ ILO: [2001 General Survey](#), para. 64.

¹⁹ ILO: [2018 General Survey](#), para. 421.

²⁰ Convention No. 45 prohibited women from underground work in mines. However, as it was considered contrary to the fundamental principle of equality and non-discrimination at work, the SRM TWG (at its fourth meeting) classified it as outdated and it was abrogated at the 112th ILC Session (2024).

²¹ Violence and Harassment Recommendation, 2019 (No. 206).

²² Violence and Harassment Convention, 2019 (No. 190).

²³ ILO: [2018 General Survey](#), para. 545.

²⁴ ILO: [2018 General Survey](#), paras 409 – 411.

Art. 4	• <i>Objective:</i> Exceptions to the Art. 3 prohibition: force majeure; and work where night work is necessary to preserve raw materials. • <i>Comparison with relevant instruments:</i> No similar provisions. • <i>Current relevance:</i> As the prohibition reflects an outmoded regulatory approach, this provision providing exceptions to the prohibition is also outmoded.
Art. 5	• <i>Objective:</i> Prohibition may be suspended by the government, during serious emergencies, when national interest demands it; and shall be notified in the annual report to the Director-General. • <i>Comparison with relevant instruments:</i> No similar provisions. • <i>Current relevance:</i> As the prohibition reflects an outmoded regulatory approach, this provision providing for suspension of the prohibition is also outmoded. Some countries have incorporated the provision and authorized temporary employment of adult women.²⁵
Arts 6 - 7	• <i>Objective:</i> Provides for reduction in the night period due to the season, exceptional circumstances, or the climate. • <i>Comparison with relevant instruments:</i> No similar provisions. • <i>Current relevance:</i> As the prohibition reflects an outmoded regulatory approach, this provision concerning the night period is no longer relevant.
Art. 8	• <i>Objective:</i> C.89 does not apply to: women holding responsible positions of a managerial or technical character; and, women employed in health and welfare services, not ordinarily engaged in manual work. • <i>Comparison with relevant instruments:</i> No similar provisions. • <i>Current relevance:</i> In countries bound by C.89 and some others, national legislation exempts from the prohibition on night work women in the positions prescribed in Article 8.²⁶
PART II. SPECIAL PROVISIONS FOR CERTAIN COUNTRIES	
Art. 9	• <i>Objective:</i> Provides for specific definition of the night period for countries where no regulation applies to the employment of women in industrial undertakings during the night. • <i>Comparison with relevant instruments:</i> No similar provision. • <i>Current relevance:</i> This flexibility provision was introduced to take into account the situation in some countries where no regulation applies to the employment of women in industrial undertakings during the night.
Arts 10 - 11	• <i>Objective:</i> Establishes the scope of application of C.89 for India and Pakistan. • <i>Comparison with relevant instruments:</i> Some older standards reference specific countries and include specific provisions for them. • <i>Current relevance:</i> These provisions are irrelevant and outmoded.
ANALYSIS OF SUBSTANTIVE PROVISIONS OF PROTOCOL NO. 89	

²⁵ ILO: [2018 General Survey](#), para. 413.

²⁶ ILO: [2018 General Survey](#), para. 414.

Art. 1	• <i>Objective:</i> National laws or regulations, adopted after tripartite consultation, may provide that, variations in the duration of the night period (Article 2, C.89), and exemptions from the prohibition of night work of women (Article 3, C.89), may be introduced by the competent authority in a range of specific branches of activities, occupations and establishments. • <i>Comparison with relevant instruments:</i> This provision partially revises provisions of C.89, which is the only international labour standard prohibiting the employment of women.²⁷ • <i>Current relevance:</i> As the prohibition of night work of women in Article 3 of C.89 reflects an outmoded regulatory approach, this provision which extends exemptions from the prohibition is also outmoded.
Art. 2	• <i>Objective:</i> Prohibits variations and exemptions pursuant to Art. 1 from being applied to women workers during a specified period before and after childbirth. The prohibition may be lifted at the express request of the woman worker on condition that neither her health nor her child's is endangered. Protects from dismissal and requires income maintenance. These provisions shall not reduce the protection and benefits connected with maternity leave. • <i>Comparison with relevant instruments:</i> ○ Art. 7 of C.171 and Para. 19 of R.178 require the provision of an alternative to night work for women workers before and after childbirth, for a period of at least 16 weeks, of which at least 8 shall be before childbirth; and for additional periods for which a medical certificate states it is necessary for the health of the mother or child. ○ C.183 and R.191 are the most up-to-date standards on maternity protection. Para. 6(4) of R.191 on maternity protection provides that a pregnant or nursing woman should not be obliged to do night work if a medical certificate declares such work to be incompatible with her pregnancy or nursing. • <i>Current relevance:</i> The prohibition of night work for women before and after childbirth, without offering alternatives – such as transfer to day work where this is possible, the provision of social security benefits or an extension of maternity leave - is not consistent with the comprehensive standards on night work, C.171 and R.178, and with the most up-to-date instruments on maternity protection, C.183 and R.191. In several countries, while night work is prohibited for pregnant and/or nursing women, national legislation does not provide alternatives to work or income maintenance.²⁸
Art. 3	• <i>Objective:</i> Information on variations and exemptions introduced shall be included in article 22 reports. • <i>Comparison with relevant instruments:</i> Other international standards of general application include similar provisions on reporting on exclusions adopted, including Convention No. 132. • <i>Current relevance:</i> While the provision is consistent with current practice on reporting, as it concerns the outmoded prohibition in Article 3 of C.89, it is no longer relevant.
ANALYSIS OF SUBSTANTIVE PROVISIONS OF RECOMMENDATION NO. 13	

²⁷ Convention No. 45 was abrogated in 2024.

²⁸ ILO: [2018 General Survey](#), para. 480.

Para. 1	• <i>Objective:</i> Members to regulate employment of women wage-earners in agricultural undertakings during the night to ensure a period of rest compatible with their physical necessities and consisting of not less than nine hours, which when possible shall be consecutive. • <i>Comparison with relevant instruments:</i> Art. 2(1) of C.171 and Para. 2 of R.178 specifically exclude the agricultural sector.²⁹ C.184 on occupational safety and health in agriculture provides that night work for workers in agriculture shall be in accordance with national laws and regulations or collective agreements (Art. 20).³⁰ • <i>Current relevance:</i> Despite C.171 and R.178 excluding the agricultural sector, as this provision applies solely to women and references 'their physical necessities', it reflects a regulatory approach that contrasts with the aim to provide protections for all workers engaged in night work without distinction between men and women. While national regulatory frameworks rarely contain special provisions on night work of women in agriculture, in a few countries it is prohibited or subject to protective legislation.³¹
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The instruments in 2026

A Policy context

Night work has adverse effects on the health, and social and family life, of male and female workers.³² Tolerance to night work is not affected by gender since the circadian rhythms of men and women react in the same way to the phase shifting of work and sleep relevant to night work; however, female shift working in this regard may be impacted by pregnancy, nursing and the additional and unequal family responsibilities on women.³³ To ensure women in night work can work on an equal footing with men, the provision of social and care services should be considered. This includes improved health protection of both men and women, high-quality, affordable, adequate and accessible care services, including childcare, health care and long-term care,³⁴ and adequate transportation and security arrangements³⁵.

While the gender-specific prohibition of night work in law and practice is increasingly being replaced in favour of adequate protection for all workers, progress towards elimination of discrimination varies considerably based on national, regional and sectoral circumstances.³⁶ Some countries continue to prohibit night work of women in all sectors of the economy, whereas others ban night work in specific sectors including, agricultural undertakings, factories, manufacturing, construction, mines and quarries.³⁷

²⁹ As night work in the agricultural sector has specific characteristics, it was excluded from the scope of application of the most recent and comprehensive night work instruments, which are of general application. ILO: [2018 General Survey](#), para. 431.

³⁰ Safety and Health in Agriculture Convention, 2001 (No. 184).

³¹ ILO: [2018 General Survey](#), p. 195.

³² ILO: [2001 General Survey](#), para. 189.

³³ ILO: [2001 General Survey](#), para. 189.

³⁴ ILO: [Resolution concerning decent work and the care economy](#), ILC.112/Resolution V, 2024, para. 30(k).

³⁵ ILO: [2018 General Survey](#), para. 415.

³⁶ ILO: [2001 General Survey](#), para. 164.

³⁷ ILO: [2018 General Survey](#), paras 409-410.

Though agricultural work is largely dependent on daylight, the introduction of new technology and the use of modern lighting has made night work possible in certain types of agriculture, including fruit picking and livestock management. Some Governments report that night work in agriculture remains uncommon; and in many countries, agriculture as a source of employment, particularly for women, has declined. However, in Oceania, southern Asia and sub-Saharan Africa, agriculture is the largest sector for women's employment (60 per cent of women's work).³⁸

B International labour standards context

(1) Information relating to the ratification of Convention No. 89 and its Protocol

Convention No. 89 is in force in 44 Member States, and its Protocol is in force in three of those - *Tunisia, India and Madagascar*.

Convention No. 89 has been denounced by 23 Member States largely on the grounds that the prohibition on night work of women is discriminatory and violates the principle of equality of opportunity and treatment for all workers.³⁹ Of the 44 Member States with effective ratifications of Convention No. 89, 17 have revised their national legislation and removed the prohibition on night work of women.⁴⁰

In the 2018 General Survey on working time, Member States reported challenges to the ratification of the Protocol to Convention No. 89, concerning its inconsistency with national legislation on discrimination, and the general preference against adopting special provisions for women in the workplace.⁴¹ The Protocol has been denounced by two Member States.

Four Member States in which Convention No. 89 is in force - *Brazil, Madagascar, Montenegro and North Macedonia* - have already ratified the most recent and comprehensive instrument on night work, Convention No. 171.

Convention	Effective ratifications:	Further information
Convention No. 89	44 effective ratifications (23 denunciations)	• <u>Last ratification</u>: 2008 (<i>Madagascar</i>) • <u>Ratification by dates</u>: 1940s-1950s: 1 ratification; 1950s-1960s: 8 ratifications; 1960s-1970s: 16 ratifications; 1970s-1980s: 10 ratifications; 1980s-1990s: 4 ratifications; 1990s-2000s: 2 ratifications; 2000s-2010s: 3 ratifications. • <u>Ratification by region</u>: Europe and Central Asia: 5 ratifications;⁴² Africa: 22 ratifications;⁴³ Americas: 7

³⁸ ILO: *2018 General Survey*, p. 195.

³⁹ *GB.267/LILS/WP/PRS/2*, para. V and *2001 General Survey*, paras 70-73.

⁴⁰ *Bahrain, Brazil, Burundi, Comoros, Costa Rica, Democratic Republic of the Congo, Djibouti, Egypt, Ghana, Kenya, Malawi, Panama, Romania, Rwanda, Saudi Arabia, Senegal and South Africa*.

⁴¹ ILO: *2018 General Survey*, para. 892.

⁴² *Bosnia and Herzegovina, Montenegro, North Macedonia, Romania and Serbia*.

⁴³ *Algeria, Angola, Burundi, Cameroon, Comoros, Congo, Democratic Republic of the Congo, Djibouti, Egypt, Eswatini, Ghana, Guinea, Guinea-Bissau, Kenya, Libya, Madagascar, Malawi, Mauritania, Rwanda, Senegal, South Africa and Tunisia*.

		ratifications;⁴⁴ Asia and the Pacific: 3 ratifications;⁴⁵ Arab States: 7 ratifications⁴⁶. In addition, there are two declarations of applicability by France to non-metropolitan territories - <i>French Polynesia</i> and <i>New Caledonia</i>.
Protocol No. 89	3 effective ratifications (2 denunciations)	<u>Last ratification</u>: 2008 (<i>Madagascar</i>) <u>Ratification by dates</u>: 2000s-2010s: 3 ratifications. <u>Ratification by region</u>: Africa: 2 ratifications;⁴⁷ Asia and the Pacific: 1 ratification;⁴⁸ Europe and Central Asia: 0 ratifications; Arab States: 0 ratifications; Americas: 0 ratifications. - There is no declaration of applicability to non-metropolitan territories.
Convention No. 171	17 effective ratifications (0 denunciations)	<u>Last ratification</u>: 2018 (<i>Uruguay</i> and <i>North Macedonia</i>) <u>Ratification by region</u>: Europe and Central Asia: 11 ratifications;⁴⁹ Africa: 2 ratifications;⁵⁰ Americas: 3 ratifications;⁵¹ Asia and the Pacific: 1 ratification;⁵² Arab States: 0 ratifications. - There is no declaration of applicability to non-metropolitan territories.

(2) Information concerning the implementation of Convention No. 89 and its Protocol

The Committee of Experts has continued its supervision of Convention No. 89 and its Protocol. There are currently 26 pending comments concerning Convention No. 89 and 3 comments concerning its Protocol.

In relation to Convention No. 89, the Committee emphasized that protective measures concerning women's employment at night other than maternity protection are based on stereotyped perceptions and violate the principle of equality of opportunity and treatment between men and women, and therefore, the provisions of Convention No. 111 and the UN Convention on the Elimination of All Forms of Discrimination against Women.⁵³ It encouraged Governments to consider denouncing Convention No. 89 and ratifying up-to-date Convention No. 171 on night work.⁵⁴ In countries in which the general prohibition on night work of women

⁴⁴ Belize, Bolivia (Plurinational State of), Brazil, Costa Rica, Guatemala, Panama and Paraguay.

⁴⁵ Bangladesh, India and Pakistan.

⁴⁶ Bahrain, Iraq, Kuwait, Lebanon, Saudi Arabia, Syrian Arab Republic and United Arab Emirates.

⁴⁷ Tunisia and Madagascar.

⁴⁸ India.

⁴⁹ Albania, Belgium, Cyprus, Czechia, Lithuania, Luxembourg, Montenegro, North Macedonia, Portugal, Slovakia and Slovenia.

⁵⁰ Côte d'Ivoire and Madagascar.

⁵¹ Brazil, Dominican Republic and Uruguay.

⁵² Lao People's Democratic Republic.

⁵³ ILO: *2018 General Survey*, para. 545. See also: Belize, [direct request](#), adopted in 2025; Bolivia, [observation](#), adopted in 2025; Guinea, [direct request](#), adopted in 2025; Iraq, [direct request](#), adopted in 2025; Libya, [direct request](#), adopted in 2024; Lebanon, [direct request](#), adopted in 2024; Pakistan, [direct request](#), adopted in 2023; Mauritania, [direct request](#), adopted in 2021; United Arab Emirates, [direct request](#), adopted in 2020; Tunisia, [direct request](#), adopted in 2019.

⁵⁴ Guinea, [direct request](#), adopted in 2025; India, [direct request](#), adopted in 2025; Djibouti, [direct request](#), adopted in 2025; Kuwait, [direct request](#), adopted in 2025; Saudi Arabia, [direct request](#), adopted in 2024; Lebanon, [direct request](#), adopted in

has been lifted or is no longer implemented, it requested information on the measures taken to protect women night workers with regard to maternity, including by providing them alternatives to night work.⁵⁵

In relation to the Protocol to Convention No. 89, the Committee requested information on national legislation protecting women night workers with regard to maternity,⁵⁶ including the income level of woman workers over a 16-week period related to maternity, as well as any additional periods required on medical grounds.⁵⁷ It noted exemptions expanding the scope of night work for women and associated risks.⁵⁸

Key considerations

In examining Convention No. 89 and its Protocol, and Recommendation No. 13, for the purpose of determining their status, the following considerations are particularly relevant:

- Convention No. 89 has an interim status and its Protocol is up-to-date, and Recommendation No. 13 is classified as ‘request for information’.
- Convention No. 89 prohibits night work of women, while its Protocol extends exemptions from the prohibition. Recommendation No. 13 is the only instrument specifically regulating night work in the agricultural sector, but it applies only to women.
- As gender-specific protective legislation concerning night work of women, these three instruments reflect an earlier regulatory approach based on gender-specific protection that is not consistent with the principle of equality of opportunity and treatment for all workers. Convention No. 45, which similarly prohibited women from underground work in mines, was classified as outdated by the SRM TWG and subsequently abrogated by the ILC in 2024.
- Convention No. 171 and Recommendation No. 178 are the most recent and comprehensive instruments on night work for all workers. They demonstrate the regulatory shift towards provision of protections for all workers, with specific protections for reproductive health; consideration of the needs of workers with family and social responsibilities; opportunities for occupational advancement; appropriate compensation; and the provision of adequate social services, including transportation and improved safety when travelling at night, rest facilities and childcare.⁵⁹ These instruments expressly exclude application to certain sectors, including the agricultural sector.
- Convention No. 89 is in force in 44 Member States, four of which have ratified Convention No. 171. Convention No. 89 has been denounced by 23 Member States, largely on the

2024; *Egypt*, [direct request](#), adopted in 2023; *Eswatini*, [direct request](#), adopted in 2023; *Malawi*, [direct request](#), adopted in 2023; *Panama*, [direct request](#), adopted in 2023; *Paraguay*, [direct request](#), adopted in 2023; *Senegal*, [direct request](#), adopted in 2023.

⁵⁵ *Bangladesh*, [direct request](#), adopted in 2025; *Comoros*, [direct request](#), adopted in 2025; *Saudi Arabia*, [direct request](#), adopted in 2024; *Ghana*, [direct request](#), adopted in 2024; *Guatemala*, [direct request](#), adopted in 2024; *Democratic Republic of the Congo*, [direct request](#), adopted in 2022; *Costa Rica*, [direct request](#), adopted in 2022.

⁵⁶ *India*, [direct request](#), adopted in 2025.

⁵⁷ *Tunisia*, [direct request](#), adopted in 2013.

⁵⁸ *Madagascar*, [direct request](#), adopted in 2013.

⁵⁹ ILO: [2018 General Survey](#), para. 418.

grounds that the prohibition on night work of women is discriminatory and violates the principle of equality of opportunity and treatment for all workers.

- The Protocol to Convention No. 89 is in force in three Member States, one of which has ratified Convention No. 171. Challenges to the ratification of the Protocol concern its inconsistency with national legislation on discrimination and a preference against adopting special provisions for women workers.
- The Committee of Experts has continued its supervision of Convention No. 89, which has 26 pending comments, and its supervision of the Protocol, which has 3 comments.
- In addition, the SRM TWG may wish to consider whether the Agreed framework for selected outdated Conventions is applicable in these circumstances.⁶⁰

Possible action to be considered in relation to Convention No. 89 and its Protocol, and Recommendation No. 13

Convention No. 89 and its Protocol, and Recommendation No. 13 aim to protect women engaged in night work by prohibiting or constraining the employment of women in such work. While the regulatory aim of protection of workers remains valid, a gendered approach is not consistent with the fundamental principle of equality and non-discrimination at work. The instruments reflect an approach that is contrary to the regulatory approach in Convention No. 171 and Recommendation No. 178, which aims to provide protections for all workers engaged in night work. Therefore, Convention No. 89 and its Protocol, and Recommendation No. 13, appear to have lost their relevance.

Following its review of Convention No. 89 and its Protocol, and Recommendation No. 13, the SRM TWG will tailor lessons learnt through the SRM TWG process to the specificities of this review.

If the SRM TWG were to decide to recommend the adoption of a comprehensive instrument concerning working time, it may wish to indicate that this would include the night work instruments and make appropriate recommendations in that regard. This could include recommending consideration of the abrogation or withdrawal of Convention No. 89 and its Protocol, and Recommendation No. 13, following the adoption of a new comprehensive instrument, should such an instrument be adopted, that ensures the enhanced protection of the rights of workers in relation to night work.

Alternatively, the SRM TWG may wish to consider the review of these instruments separately as set out below.

Based on the preceding information, and ensuring consistency with past SRM TWG recommendations, **the Office proposes consideration of:**

- the classification of Convention No. 89 and its Protocol, and Recommendation No. 13, as *outdated* instruments;

⁶⁰ [Agreed framework for selected outdated Conventions](#) (GB.356/LILS/2, Appendix II).

- the identification of no *regulatory gap in coverage* in relation to the international regulation of night work; and
- *practical and time-bound follow-up action* composed of the non-normative measures set out below.

In this regard, the Office has taken particular account of the fact that night work for all workers is regulated by recent and comprehensive instruments in this area - Convention No. 171 and Recommendation No. 178. Further, standards providing special protections for women in the workplace through prohibition or constraints on the employment of women are outmoded and violate the principle of equality of opportunity and treatment for all. Convention No. 171 and Recommendation No. 178 provide specific protections for reproductive health; consideration of the needs of workers with family and social responsibilities; opportunities for occupational advancement; appropriate compensation; and the provision of adequate social services, including transportation and improved safety when travelling at night, rest facilities and childcare.

The SRM TWG will take decisions concerning the three elements within its mandate and make corresponding recommendations to the Governing Body concerning Convention No. 89 and its Protocol, and Recommendation No. 13.

1. STATUS OF INSTRUMENTS UNDER REVIEW:

The SRM TWG will consider whether, within their current legal status as active instruments, Convention No. 89 and its Protocol, and Recommendation No. 13, should be classified as *up-to-date* instruments, instruments *requiring further action to ensure their continued and future relevance*, or *outdated* instruments. In deciding their status, the SRM TWG will consider whether they are fit for purpose.

2. IDENTIFICATION OF GAPS IN COVERAGE:

In determining whether or not a regulatory gap in coverage exists in relation to night work of women, the SRM TWG should consider all relevant elements, including that standards providing special protections for women in the workplace through prohibition or constraints on the employment of women are outmoded and violate the principle of equality of opportunity and treatment for all, and that night work for all workers is regulated by two instruments currently considered to be up-to-date: Convention No. 171 and Recommendation No. 178.

3. FOLLOW-UP ACTION AS APPROPRIATE:

Considering past practices of the SRM TWG and the specificities of the instruments under review, the SRM TWG will consider what follow-up action should be taken:

- If the SRM TWG wishes to recognize that the aim of avoiding gaps in legal protection in Member States, as well as ensuring the ratification and application of the most up-to-date international standards on night work, requires the promotion of ratification and effective implementation of up-to-date Convention No. 171 and Recommendation No. 178 in countries in which Convention No. 89, and its Protocol, are still in force, it could stress that this involves concerted and**

committed attention by governments and the social partners, supported by the Office. The SRM TWG could recommend that:

- (a) The tripartite constituents should collaborate to take active steps towards ratification and effective implementation of Convention No. 171 and Recommendation No. 178 by Member States in which Convention No. 89, and its Protocol, are currently in force; and
 - (b) The Office should support the tripartite constituents in taking steps towards ratification and effective implementation of Convention No. 171 and Recommendation No. 178 by Member States in which Convention No. 89, and its Protocol, are currently in force, by implementing a proactive plan of action tailored to each Member State concerned.
- ii. **If the SRM TWG considers that Convention No. 89 and its Protocol, and Recommendation No. 13, have the status of outdated instruments,** it could decide to recommend that their abrogation or withdrawal, as relevant, be considered by the Conference either:
 - (a) In accordance with the Agreed framework for selected outdated Conventions (which is to be applied in limited circumstances), with the practical and time-bound package of follow-up action recommended including a fixed date for consideration of abrogation by the International Labour Conference and a date for a mid-term evaluation;⁶¹ or
 - (b) As soon as is possible or at a particular session of the Conference as it determines; or
 - (c) At a later stage, to allow it to take into account any research, surveys or tripartite meetings that it may determine should be held to consider opportunities for the ratification of the related up-to-date instruments on night work.
- iii. **Alternatively, if the SRM TWG considers that Convention No. 89 and its Protocol, and Recommendation No. 13, have the status of instruments requiring further action to ensure their continued and future relevance,** it could then recommend that the Office take necessary further actions that could include:
 - (a) Continuing to provide guidance and technical support, including capacity building, to Member States on application of the instruments;
 - (b) Developing tools for the provision of Office advice to Member States considering ratification and implementation of Convention No. 89 and its Protocol, and Recommendation No. 13, to ensure application in law and practice; and
 - (c) Conducting research to identify the key challenges and opportunities in relation to the application of Convention No. 89 and its Protocol, and Recommendation No. 13, with a view to assessing with tripartite involvement options for possible follow-up action.
- iv. **If the SRM TWG considers that Convention No. 89 as revised by its Protocol, and Recommendation No. 13, are up-to-date instruments,** it could recognize that

⁶¹ [Agreed framework for selected outdated Conventions](#) (GB.356/LILS/2, Appendix II).

their full implementation requires the *promotion of the ratification of Convention No. 89 and its Protocol, involving concerted and committed attention by governments and the social partners, supported by the Office*. The SRM TWG could recommend that the tripartite constituents should collaborate to take active steps towards ratification and effective implementation of Convention No. 89 and its Protocol, and Recommendation No. 13.

Annex of Technical Note 1.4 - Comparative ratification information

Indicator	Comparative measure / explanation
Ratifications of Night Work (Women) Convention (Revised), 1948 (No. 89)	44 effective ratifications (67 total ratifications with 23 denunciations)
Ratifications of the Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948 (No. 89)	3 effective ratifications (5 total ratifications with 2 denunciations)
Ratifications of Night Work Convention, 1990 (No. 171)	17 effective ratifications
Ratio of ratifications of Convention No. 89 to Convention No. 171	44 effective ratifications : 17 effective ratifications 67 total ratifications: 17 total ratifications
Ratio of ratifications of Protocol to Convention No. 89 to Convention No. 171	3 effective ratifications : 17 effective ratifications 5 total ratifications : 17 total ratifications
Effective ratifications of Convention No. 171 by Member States still bound by Convention No. 89	4
Ratifications of Convention No. 171 by Member States that have not ratified Convention No. 89	4
Effective ratifications of Convention No. 171 by Member States bound by the Protocol to Convention No. 89	1
Ratifications of Convention No. 171 by Member States that have not ratified the Protocol to Convention No. 89	16 ⁶²
Other ratification information	
Average ratifications of all technical Conventions	36.5 ratifications
Average ratifications of working time instruments	32.5 ratifications

⁶² This figure includes two Member States previously bound by the Protocol to C.89 that have ratified C171: Czechia and Cyprus. 14 Member States that have ratified C171 had never been bound by the Protocol to C.89.